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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JERRY NEHL BOYLAN,  
  
Defendant.

Case No. 2:22-CR-00482-GW

**EX PARTE APPLICATION TO FILE  
IN CAMERA; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF COUNSEL**

Jerry Nehl Boylan, through his counsel of record, Deputy Federal Public Defender Georgina Wakefield, hereby files this ex parte application for an order that the accompanying document be filed in camera consistent with the Court's order at the hearing on Mr. Boylan's motion to compel (Doc. No. 28.) This application is based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: May 1, 2023

By /s/ Georgina Wakefield  
GEORGINA WAKEFIELD  
Deputy Federal Public Defender

**DECLARATION OF GEORGINA WAKEFIELD**

I, Georgina Wakefield, declare:

1. I am an attorney with the Office of the Federal Public Defender for the Central District of California. I am licensed to practice law in the State of California and I am admitted to practice in this Court.

2. A court has supervisory powers over its records and files to seal documents under appropriate circumstances. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987). Local Rule 79-5.1 provides that a party may request that documents be filed in camera. And the Ninth Circuit has approved of filing items ex parte, under seal, and in camera where a party has “no obligation to disclose them.” *United States v. Gurolla*, 333 F.3d 944, 951 (9th Cir. 2003) (quoting *United States v. Klimavicius-Viloria*, 144 F.3d 1249, 1261 (9th Cir. 1998)); *see also United States v. Peltier*, 693 F.2d 96, 97-98 (9th Cir. 1982) (per curiam) (reviewing offer of proof made in camera by defense counsel); *United States v. Williams*, 791 F.2d 1383, 1387 (9th Cir. 1986) (reviewing oral and written offers of proof made in camera).

3. At the hearing on Mr. Boylan’s motion to compel (Doc. No. 28), the Court directed counsel for Mr. Boylan to submit the procedures the Office of the Federal Public Defender would follow to search data from the digital devices that are the subject of the motion to compel. Because the statement of materiality filed by the defense in support of the motion to compel disclosure of the devices disclosed defense theory and trial strategy, the Court indicated that the search protocol also could be filed in camera.

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